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14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17
18 JESUS TACORDA and HELEN TACORDA, | NO. C 12-02576 EDL

19 Plaintiffs,

20 v.

21 ZIMMER, INC. et al.

22 Defendants.

23 [PROPOSED] ORDER GRANTING
24 PLAINTIFFS' MOTION TO REMAND
25 CASE TO STATE COURT

26 Date: July 31, 2012
27 Time: 9:00 a.m.
Dept.: Courtroom E (15th Floor)
Magistrate Judge: Hon. Elizabeth D. Laporte

28 Complaint filed: March 23, 2012
Trial Date: unassigned

29
30 On July 31, 2012 at or around 9:00 a.m., plaintiffs Jesus Tacorda and Helen Tacorda's
31 Motion to Remand Case to State Court came on for hearing before Magistrate Judge Hon. Elizabeth
32 D. Laporte in Courtroom E of the above-captioned Court.

33 The Court, having read the papers and considered the law and the facts, orders as follows:

34 The Court finds that defendant McKesson Corporation has its principal place of business in
35 California and is a citizen of the State of California, as are the plaintiffs. Therefore this Court no
36 longer has subject matter jurisdiction over this case.

37 Plaintiffs' motion to remand the above-captioned case to state court is GRANTED.

1 IT IS SO ORDERED.
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3 DATED: June __, 2012

4 Magistrate Judge Hon. Elizabeth D. Laporte
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PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California. I am over 18 years of age and not a party to this action. My business address is The Veen Firm, P.C., 711 Van Ness Avenue, Suite 220, San Francisco, California 94102.

On the date below I served a true copy of the following document(s):

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO REMAND
CASE TO STATE COURT**

on the interested parties to said action by the following means:

- 8 **(BY MAIL)** By placing a true copy of the above, enclosed in a sealed envelope with
9 appropriate postage, for collection and mailing following our ordinary business practices. I
10 am readily familiar with this business's practice for collecting and processing correspondence
11 for mailing. On the same day that the correspondence is placed for collection and mailing, it
12 is deposited in the ordinary course of business with the United States Postal Service, in a
13 sealed envelope with postage fully prepaid.

14 **(BY OVERNIGHT DELIVERY)** By placing a true copy of the above, enclosed in a sealed
15 envelope with delivery charges to be billed to The Veen Firm, P.C., for delivery by Federal
16 Express to the address(es) shown below.

17 **(BY FACSIMILE TRANSMISSION)** By transmitting a true copy of the above by
18 facsimile transmission from facsimile number (415) 771-5845 to the attorney(s) or party(ies)
19 shown below.

20 **(BY MESSENGER)** By placing a true copy of the above in a sealed envelope and by giving
21 said envelope to an employee of Western Messenger Service for guaranteed, same-day
22 delivery to the address(es) shown below.

23 **(BY HAND DELIVERY)** By personal delivery of a true copy of the above to the attorneys
24 or parties shown below

25 **(BY E-MAIL or ELECTRONIC TRANSMISSION)** Based on a court order or an
26 agreement of the parties to accept service by e-mail or electronic transmission, I caused the
27 documents to be sent to the persons at the e-mail addresses listed below. I did not receive,
28 within a reasonable period of time, after the transmission, any electronic message or other
29 indication that the transmission was unsuccessful.

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James M. Neudecker, Esq.
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Gloria Lee, Esq.
Counsel-Litigation
McKesson Corp.
1 Post Street
San Francisco, CA 94104

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

DATED: August 20, 2012

Ramona Atanacio